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U.S. DISTRICT COURT E.D.N.Y.

LTG

JUL 10 2012

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**LONG ISLAND OFFICE**

- - - - -X

UNITED STATES OF AMERICA  
  
- against -

AFFIDAVIT AND COMPLAINT  
IN SUPPORT OF ARREST  
WARRANTS

(21 U.S.C. § 846)

PATRICK TOOMEY  
and BRENDEN TOOMEY,

Defendants.

**12-0656M**

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

GERARD J. RICCIARDI, being duly sworn, deposes and states that he is a Special Agent with the Internal Revenue Service ("IRS"), duly appointed according to law and acting as such.

Upon information and belief, on or about and between August 2010 and the present, within the Eastern District of New York and elsewhere, the defendants PATRICK TOOMEY and BRENDEN TOOMEY, together with others, did knowingly and intentionally distribute a controlled substance, which offense involved a substance containing oxycodone, a Schedule II controlled substance.

(Title 21, United States Code, Sections 846 and 841(a)(1)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

1. I have been a Special Agent with the IRS for

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<sup>1/</sup> Because the purpose of this affidavit is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

approximately twenty-one years and have been assigned to the Drug Enforcement Administration Task Force for approximately four years. My information in this case comes from interviews, conversations with witnesses and other law enforcement officers, and my own participation in this investigation.

2. The DEA Task Force to which I am assigned is currently investigating the illegal distribution of pills and tablets containing oxycodone, a Schedule II controlled substance. "Oxycodone" is the generic name for an opioid analgesic medication synthesized from opium-derived thebaine. "Roxicodone" is a generic oxycodone product designed to have an immediate release effect for rapid pain relief. Oxycodone has a serious potential for abuse. Drug abusers crush the protective coating on the pill and, snort, ingest or inject it, thereby obtaining all of the drugs potency at one time. Oxycodone used in this fashion produces a heroin-like euphoria. Oxycodone is a highly addictive drug.

3. On July 9, 2012, I interviewed an individual hereinafter described as John Doe (JD) in connection with an oxycodone distribution ring operating in the Smithtown, New York area as JD, a Smithtown resident, was arrested in May 2012 in possession of oxycodone pills.<sup>2/</sup> JD advised that he has been purchasing oxycodone pills from defendants PATRICK TOOMEY and BRENDEN TOOMEY on an off for the past year. JD advised that the defendants PATRICK TOOMEY and BRENDAN TOOMEY advised JD that they

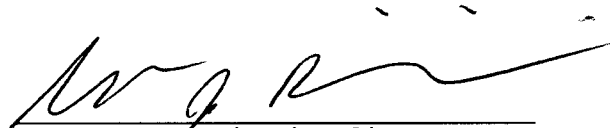
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<sup>2/</sup> I believe that the CW is reliable as information s/he has provided about the defendants has been independently corroborated by other information learned during the investigation.

were getting their pills from a doctor on Long Island hereinafter referred to as John Doe, MD (JD-MD).

4. I have reviewed the Bureau of Narcotics Enforcement database and determined that JD-MD issued BRENDEN TOOMEY approximately 10 prescriptions for oxycodone between February 2010 and November 2011 (approximately 2,010 pills) and that JD-MD issued PATRICK TOOMEY approximately 36 prescriptions for oxycodone between April 2010 and November 2011 (approximately 9,560 pills).

WHEREFORE, your deponent respectfully requests that arrest warrants be issued for defendants so that they be dealt with according to law.

  
Gerard J. Ricciardi  
Special Agent - IRS/DEA

Sworn to before me this  
10th day of July, 2012

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THE HONORABLE WILLIAM D. WALL  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK